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SHOULD MORAL
AND
CIVIL LAW AGREE?

BY

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SHOULD MORAL AND CIVIL LAW AGREE?

EVERY civilized land is governed by law.

Law has been defined as : "A rule of action established by recognized authority to enforce justice and direct duty." Wharton in his Law Lexicon puts it thus : "Laws ; between God and man and between man and man. The former is natural or revealed, the latter national or municipal and international. The national or municipal is divided into constitutional, canon or ecclesiastical, common law and equity. And common law into public or criminal and private or civil." Efforts are continually being made by parliaments to improve their laws. Laws are enacted, which the very next session of parliament repeals or amends. I have seen the statement that the British Parliament during the last three hundred years has passed over four hundred acts concerning the liquor traffic. Most parliaments are weak in their enactments of laws in which morals are concerned. God's laws are right and therefore do not have to be amended. But men legislating on moral questions are so apt to try to compromise ; so to speak, to split the difference between right and wrong. They do not want to give the evil side all the benefit of the law's power, but they say : "We must not go too fast—we must not get ahead of public sentiment." So they withhold the law's strength and power from the side of right-

eousness and justice. What ought parliament to do with that which is morally wrong? Ought parliament to protect or prohibit, which? To ask such questions is to answer them. The United States kept making one compromise after another with the immoral slave traffic, but they found by bitter experience that where morals were concerned compromises would not do. It is said that Thomas Jefferson, more than fifty years before the civil war, gave utterance to these words: "I tremble for my country when I reflect that God is just and that His justice will not slumber forever."

And well he might, for God amid the terrors and desolation of years of civil strife destroyed slavery. God's laws never interfere with a good man. A good man can always do what he likes. So Paul has it: "Against such (*i. e.*, a good man's ways) there is no law." And why? Because a good man always likes to do what is right. But when God comes to deal with immoral thoughts or words or acts He unequivocally and sternly says: "Thou shalt not;" and if the command is unheeded, if the law is broken, God's word to all such law-breakers is: "Ye shall surely die." And what eternal horrors hang around that second death!

The only proper way to do when legislating upon moral questions is to make the law right, absolutely right. Right will wrong no man. Years ago England's Grand Old Man said: "It is the province of law to make it easy to do right and difficult to do wrong." Some of our laws are just the reverse of that.

E. F. Ritter, of Indianapolis, has given us a very able work entitled, *Moral and Civil Law: Parts of the Same Thing*. Most of my quotations, unless otherwise noted, are from his book.

"There is a law in full force in every government in the world, that was hoary with the frosts of centuries when Moses bared his feet in the presence of the burning bush, and that has ever since been the fundamental law in every government of the world. . . . I refer to the law of public necessity. . . . The Roman Government ere the Christian era began gave its definition of this law in the maxim: 'The public welfare is the supreme

law.'” Several illustrations of this point are given. “In 1871 when the Chicago fire had been raging for nearly two days, and the city government had become exhausted in its efforts to repress the flames . . . General Sheridan was placed in command. . . . He placed powder in the basements of a row of buildings two squares long, and at a given signal blew up and destroyed the buildings with their contents. Those buildings and their contents were private property. . . . The owners were not asked to consent, and their objections were unheeded. Their property was destroyed, and there was no provision of law by which any compensation could be recovered. This action was authorized and justified by the law of public necessity.”

“In 1863 the Government of the United States needed men for military duty. A draft was ordered in Indiana. . . . Among those drafted was a poor man, who, when notified, said: ‘Surely the government will not make me leave my feeble wife and three little children and go into the army. I have no way of providing for them while I am gone, and I have no money to hire a substitute.’ However touching such an appeal it could not be regarded.” He was killed in battle and the sick wife and little children had to be cared for by strangers. It seems hard. “But when the government has battles to fight, neither inconvenience, personal hazard, nor the needs of a family can excuse any man from its call to arms.”

Several years ago when there was an epidemic of small-pox in Montreal and Toronto, I was going by train from Hamilton to St. Catharines. Not long after leaving Hamilton a doctor from the States came into the car and asked one passenger after another if they were going across the line. If the answer was in the affirmative the next question was, “Have you been vaccinated?” If yes, “Have you a certificate to that effect?” If no, “Let me see your arm?” If the party objected, the reply was, “You cannot go across the line till I have the evidence showing that you have been vaccinated.” If the passenger said he had not been vaccinated the answer was, “Then you cannot enter the United States.” “But I am an American citizen returning home, or I have very important business in

Buffalo." The reply in each case was, "Unless you have been vaccinated, you cannot cross the line."

"A few years ago officers of the law went to the residence of a prominent citizen of Philadelphia and informed him that they were ordered to convey his wife to the pest-house because she was afflicted with smallpox. He did not consent, claiming that he had made ample provision for her care and the prevention of any public hazard on account of her disease. Regardless of his resistance his wife was taken to the pest-hospital. The husband followed the ambulance to the door of the hospital and asked to be admitted that he might be with his wife in her sickness, but he was refused. That man's wife died—he never knew when, and was buried—he never knew where. If there is any right among men more sacred than all others, it is to be with and care for our own families in time of sickness, to stand by them in the hour of death, and to bury them in a place selected by us for that purpose, where the last resting-place may be marked and visited. Yet that most sacred of all rights has not a feather's weight when it comes in conflict with the law of public necessity."

"There is no such thing, and never was, as an absolute individual right to do any particular thing, or to eat or drink any particular thing, or to enjoy the associations and bliss of one's own family, or to live, in conflict with the law of public necessity." "Someone may say that if these propositions of law are correct, then civil government at best is legalized tyranny. Let us not misapprehend the effect of these propositions; let us bear in mind that the government must seek to promote the public welfare."

"I have presented the rigid rules and extreme requirements of the law of public necessity to meet the prating on personal liberty and individual rights so common in the mouths of American citizens with foreign ideas, and of political demagogues for personal ends. It is remarkable . . . that these classes of persons have had such influence as to secure large acquiescence in their claims, and such hesitancy in exposing their fallacies. . . . It may be a great restraint sometimes on personal liberty

and individual rights to give thirty-six inches for a yard . . . or to regard the golden rule as a citizen, but the requirement and the obligation cannot yield to accommodate the ignorance, whim, or vice of the individual."

"The greatest object and purpose of civil government under our civilization is to promote and enforce good morals in the transactions and relations of its citizens. In carrying out the necessities of government and working out the principles of public necessity, morality is made a fundamental principle." He quotes the constitutional provisions of eighteen States in proof of this; also the fact that in "States where neither morality nor education are specifically referred to in their constitutional provisions, these matters are nevertheless recognized by legislative Acts and by decisions of their courts as fundamental. Kentucky has no constitutional specification as to morality, but morality is, nevertheless, in her fundamental law.

. . . In a case recently decided by the Court of Appeals, the Court said: "When we consider that honesty, morality, religion and education are the main pillars of the State and for the protection and promotion of which, government was instituted among men, it at once strikes the mind that the government through its agencies, cannot throw off these trust duties by selling, bartering, or giving them away. The preservation of the trust is essential to the happiness and welfare of the beneficiaries, which the trustees have no power to sell or give away." If the contrary course be conceded, then "the trust duty of fostering and protecting the honesty, health, order and good morals of the State would be cast to the winds, and vice and crime would triumph in their stead. Now, it seems to us that the essential principles of self-preservation forbid that the commonwealth should possess a power so revolting, because destructive of the main pillars of government."

Blackstone, the great English law commentator, says: "The Creator, . . . has laid down only such laws as were founded in those relations of justice that existed in the natures of things antecedent to any positive precept. These are the eternal, immutable laws of good and evil, to which the Creator Himself in all His dispensations conforms;

and which He has enabled human reason to discover so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly, should hurt nobody, and should render to everyone his due; to which three general precept Justinian has reduced the whole doctrine of law."

Mr. Ritter distinguishes between religion and morality, from a legal standpoint: "Religion refers to the inner individual life and belief. Religion requires that a man should love his neighbor as himself, but the civil law cannot compel him to do so, nor punish him if he does not. Morality requires a man to treat his neighbor honestly and fairly and can compel him to do so and punish him if he does not. Religion is a matter of belief, morality is a matter of conduct. The law does not interfere with matters of belief, but does undertake to control matters of conduct." On this point I quote from a decision by the Supreme Court of the United States in a case in which a church desired to restrain a railway company from placing their works so near the church as to interfere with the enjoyment of the church in their property. The Court said: "The great principle of the common law, which is equally the teaching of Christian morality, to so use one's property as not to injure others, forbids any other application or use of the rights and powers conferred." "The point that the highest judicial tribunal of the United States presents is this, that common law morality and Christian morality are the same."

"Bishop, for thirty years recognized in the United States as a standard authority on criminal law, in his work on that subject says: 'Morality, religion and education are the three main pillars of the State and the substance of all private good. A community from which they are banished represents more than the gloom of original chaos. Therefore they should be objects of primary regard by the law.' Also, 'But however uncertain may be the precise extent to which the common law protects Christianity, there is no question that it practically and fully cherishes the public morals and it punishes as a crime every act which it deems sufficiently evil and direct, tending to impair the public morals.'"

Many tell us that law should not be in advance of public sentiment lest it cannot be enforced, and if enacted it ought to be repealed for fear that the non-enforcement would cause contempt for all law.

There is no law more frequently violated than the law against profane swearing. Yet no one argues for its repeal.

The Ten Commandments were several thousand years in advance of public sentiment. I have not heard of God repealing them. There is no law, human or divine, that is not violated, but the very existence of a good law creates a healthy sentiment in the community. Mr. Ritter illustrates the growth of the comprehension of legal principles: "A native (I summarize) was captured on the coast of Africa, and brought to Virginia and sold as a slave. His name was James Somerset. Charles Stewart became his owner. In 1770 Stewart took his slave with him to England. While there Somerset heard a slave could not be legally held in England. He refused to obey his master and denied the relationship of master and slave. He was seized, put in chains and placed on board a ship to be sent to Jamaica. Before the ship sailed three Quakers, by name Thomas Watkins, Elizabeth Cady and John Marlow made an affidavit in the Court of the King's Bench, that Somerset was unlawfully held. A writ of *habeas corpus* was issued commanding the ship captain and the master to produce the body of the slave in court. The legal counsel on each side were very able and the case was held under consideration for about a year and a half. The Court went so far as to suggest to the master that it would be better that the case should be disposed of without pressing it to a decision. But the master knowing that for fifty years and more slavery had been sanctioned in England by public recognition and several decisions of the highest court, did not seem to think that the decision could possibly be against him, refused to do as the Court suggested. The influence of the wealthy, of royalty, great business enterprises, political and social interests, were arrayed with the master and against the slave. One of the counsel on behalf of the slave, speaking of the growth of public sentiment upon this question, said; 'Upon this

subject the air of England has been clearing since the reign of Elizabeth.' In behalf of the slave there was not a precedent. In his interest it was asked that the settled order of things for this long period should be broken up, that the thousands of slaves in England and Jamaica should be liberated by a sudden decision of that high court upon a legal proposition which had as its sole foundation the claim that the institution of slavery was illegal because it was inhuman and immoral in its very nature and results and could not be made lawful by any decision of the courts or by any acquiescence and sanction of the public, however numerous these decisions and however long standing had been the public acquiescence. There is no other case like this, ancient or modern, before a judicial tribunal in which what may be termed the 'cold law' alone was clearly and fully presented on one side and only the hot blood of moral principles presented on the other.

"Lord Mansfield, the Chief Justice, in rendering the decision of the court, said: 'The setting fourteen or fifteen thousand men at once free, loose, by a solemn opinion is much disagreeable in the effects it threatens. . . . Whatever inconveniences therefore may follow from a decision, I cannot say this case is allowed or approved by the law of England; and therefore the black man must be discharged.'"

Slavery had existed in the United States for over two hundred years. Public men often feared to speak out their honest convictions on the subject. I saw in the Old State House in Boston a copy of a hand-bill that was circulated October, 1835, offering a reward of \$100, raised, it said, by a number of patriotic citizens, to reward the individual who shall lay hands on Thompson the abolitionist, so that he may be brought to the tar kettle before dark. It called him an infamous scoundrel and closed with the words: "Friends of the Union, be vigilant." And this to occur in 1835, and less than forty miles from Plymouth Rock. It is no wonder that Lowell wrote:

"Massachusetts, God forgive her,
She's akneelin' with the rest,
She thet ough' to ha' cleng ferever
In her grand old eagle nest;

She thet ough' to stand so fearless
 While the wracks are round her hurled
 Holdin' up a beacon peerless
 To the oppressed of all the world."

Twenty-seven years later, notwithstanding that State laws, judicial decisions and public sentiment were against the slave, the great Lincoln, stirred with a sympathy for the oppressed that would do no discredit to him who stood on Mars' Hill in the morn of Christianity to declare God "hath made of one blood all nations of men to dwell on all the face of the earth," issued the proclamation that assured freedom to 4,000,000 of blacks.

"A case was recently presented to the Supreme Court of Indiana in which a widow had brought suit against a saloon keeper and his landlord for damages done to the widow's property, and the enjoyment of her home, by the establishment and maintenance of a saloon adjoining her residence. The defendants pleaded a license under the law of the State authorizing the saloon business. The license law of the State of Indiana made no exception as to locality and the saloon keeper flaunted his license in the face of the widow with the utmost confidence that she was powerless and without relief under the law. In its first decision upon that question, the Court held that the widow was not entitled to any relief. A petition for rehearing was presented, considered, and sustained. The Court having thus opened the case for reconsideration gave to the question presented remarkable and very unusual attention; and finally decided: first, that the widow had a right of action; second, that the saloon keeper and also his landlord, who had leased the property for saloon purposes, were each liable for damages; third, that the license was no protection to the business in that locality; fourth, that an orderly saloon in an orderly residence neighborhood is, *per se*, a nuisance. In reaching these conclusions the Court was compelled to disregard and annul largely the letter of the license law; to declare that no statute could authorize by its provisions or give its protection to any act or business such as the business in the case

presented; that the saloon business is offensive to good morals and sound sentiment."

Mr. Ritter thus leads up to a discussion of the saloon question. He quotes from a decision of the United States Supreme Court in 1891. "The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained in these retail liquor saloons than to any other source." In 1887 the Presbyterian Church of Canada said in her temperance report: "The conviction is deepening and intensifying throughout the Church, and throughout the land, that the liquor traffic is an unspeakable and unmitigated evil; that it is a seductive and corrupting power, making humiliating inroads on the Church herself; and that fidelity to Christ and compassion for men forbid any compromise with a foe so terrible, or any method of settling the controversy short of its utter extermination." In 1894 the Methodist Church of Canada said: "The liquor traffic of to-day is the greatest stumbling block in the Church's progress, is fraught with untold evils to humanity and spreads desolation over the length and breadth of our fair Dominion. . . . That we are unalterably opposed to all efforts to regulate the liquor traffic by taxation or license, high or low. These afford no protection from its ravages, but, on the other hand, entrench it in the commonwealth, throw around it an artificial garb of respectability, and make the people partakers of and responsible for the evils resulting therefrom. 'It is impossible to legalize the liquor traffic without sin.'" Mr. Ritter says: "This being settled, that any business that produces or tends to produce misery or crime is immoral and unlawful, it follows that the business that produces the most misery and crime is the most immoral and the most unlawful. Therefore, as 'the statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained in these retail liquor saloons than to any other source,' the saloon business is the *most immoral and most unlawful business known to society*. . . . Lottery, gambling, prostitution and all other immoral business enterprises of like character cannot be licensed by law, because of their immorality.

For the same reason any law that undertakes to license saloons is void on legal principles well settled, and must be so declared by the courts. . . . License systems for lotteries and license systems for gambling have been declared void by the courts. Slavery in England was destroyed by decision of the King's Bench. Slavery in the United States was abolished by the proclamation of the Chief Executive. . . . Lord Chancellor Cottingham, of England, a few years ago said: 'That it is the duty of courts of equity, and the same is true of all courts and of all institutions, to adapt its practice and course of proceedings, as far as possible, to the existing state of society, and to apply its jurisdiction to all these new cases which, from the progress daily making in the affairs of men, must continually arise, and not, from too strict an adherence to forms and rules established under very different circumstances, decline to administer justice and to enforce rights for which there is no other remedy.' . . . The Supreme Court of Indiana in a recent decision said: 'A statute which should attempt to authorize prize-fighting would most certainly be opposed to the spirit of the Constitution, and indeed that of the law itself, long since defined to be a rule of civil conduct prescribed by the supreme power of a State, commanding what is right and prohibiting what is wrong.' But it is claimed by some defenders of the saloon system that if it were not for that system anyone and everyone could conduct the saloon business without restrictions. Upon this very point when the question was in issue the Supreme Court of the United States in 1891 said: 'There is no inherent right in a citizen to thus sell intoxicating liquors by retail. It is not a privilege of a citizen of the State or of the United States.' . . . I affirm with the utmost confidence that no Act of the Legislature that attempts to license or regulate and restrict any business that is immoral, or that tends to the promotion and encouragement of immorality can be valid. . . . The Supreme Court of the United States, the Supreme Court of Indiana, and the Supreme Courts of other States have, in legal effect and contemplation, held that the saloon business is an immoral business. If it is it cannot be legally licensed. . . . It seems to me, that under the

enlightenment and development of civilization and education the most surprising thing presented to our view is the continuance and prosperity of this greatest crime and misery producing system. That of all the theories and systems of legislation upon any subject the worst and most destructive should survive with us (speaking of Indiana) more than one hundred years, is beyond comprehension. I arraign this system before the good citizens of this State, and the whole nation with its one hundred years of record and history, every page of which is stained with blood, and which is condemned from every source worthy of consideration, and charge it with every crime known to man, and deny that it has one redeeming trait."

In 1839 Lord Brougham said, when speaking in the House of Lords: "To what good is it that the Legislature should pass laws to punish crime, or that your Lordships should occupy yourselves in trying to improve the morals of the people by giving them education? What can be the use of sowing a little seed here and plucking up a weed there if these beer-shops are to be continued to sow the seeds of immorality broadcast over the land, germinating the most frightful produce that ever has been allowed to grow up in a civilized country, and, I am ashamed to add, under the fostering care of Parliament?"

A few years ago the Woodstock *Sentinel-Review*, under the heading, "Cruel, Callous Neglect," recorded the shameful neglect of four small children, the eldest seven years and the youngest only four months old. The mother was dead. The children had been left for days without food. "The father," said the paper, "has been idling his time away about the bar-rooms while his children were locked up at home crying for bread." These bar-rooms were, alas that it must be said, licensed by the Christian voters of Woodstock and Oxford. The Scott Act could never have been repealed without the votes of many church members. I saw the following in a religious paper: "A wretched mother dropped dead . . . at the feet of her son who had been a burden and a sorrow to her. This son, who was thirty years old, instead of helping his mother spent his wages for whiskey. At last the mother concluded that committing him as an habitual drunkard might lead to his

reformation. She was called to the witness stand to swear to the complaint, but the strain was too great for her, and she dropped dead with the words upon her lips: 'It is breaking my heart.'" What makes such scenes possible? Did Christian men recognize the fact that moral and civil law are parts of the same thing, and then compel the legislators to pass laws bearing the impress of a moral uplift, could such heart-rending incidents occur? The failure to recognize this principle, and the fear of the consequences to their political party, the outcome of such failure caused a number of ministers, editors and others of the States to so treat J. G. Wooley that he felt compelled, when addressing an Endeavor Society in a Presbyterian Church, to say: "For in the midst of hissing ministers, and money-grabbing editors, and dirt-eating officials, in the scud and fog and eclipse of faith-destroying ecclesiasticism, when 'I saw the prosperity of the wicked,' and 'was envious at the foolish,' and 'my feet were almost gone,' I heard the flag of the Church of Jesus Christ straining at its halyards and flapping in the swirl of oncoming revolutions; and I looked up and spelled out the blood-red letters on its ground of snow: 'The liquor traffic can never be licensed without sin, and no political party has the right to expect nor ought it to receive the vote of a Christian man so long as it stands committed to the license policy or refuses to put itself upon record in an attitude of open hostility to the saloon.' . . . Standing beneath that flag, . . . I beg of you to be strong. For I call you to service where each success will look like a new kind of failure, where there will be rarely a cheer but such as come from the blue lips of helpless agony, and where the brightest thing in sight for years to come, may be the tears that glisten on the haggard cheeks of drunkards' wives and mothers; and the most inspiring music you shall hear will be the wails of little children crying in the night that has no dawn; where victories will open up new labors and anxieties, and where, perhaps no rest will come, until under the cumulative heartache of it all, you yearn for the tender grace of a grave."

Alas! that the Church of Jesus Christ can be charged with criminal indifference. What is the reason for this

indifference? I sometimes think that the bar-rooms strongest defence is the spirit of intense partyism of the day. Church members have been so afraid of hurting the party to which they belong that they have been indifferent when widows and orphans have pled for protection from the ravages of this blighting, blasting, withering, damning bar-room system. "Hear O heavens, and give ear O earth, for the Lord hath spoken,"—"Destroy not him with thy meat for whom Christ died."

But "you cannot make men moral by Act of Parliament." The man who makes such a statement does so because of a confusion of terms. He seems to think that as civil government cannot enforce religion, or forms of religious worship, or control matters of belief, neither can it enforce morality or control moral conduct. Why put the drunkard in jail? To make him moral by Act of Parliament. Why arrest the man who sells indecent literature? To conserve the morals of the community. The seller does not force anyone to buy. Then why place the hands of the law upon him? Is it not said, "That stolen waters are sweet? That if you attempt to prohibit its sale the boys will get it in some way! That it is not wise to compel the boys to get it in an underhand manner, so you had better license its sale in order that you may keep watch over it and then ask the pulpit and the press to urge the boys not to buy." No! People do not talk that way about the sale of indecent literature. It is only when dealing with the "gigantic crime of crimes" that some men talk as if they were bereft of reason. It is only when dealing with the infamous liquor traffic that some good men advocate giving the evil side all the benefit of the law. Why do we legislate against certain kinds of gambling? To conserve the morals of the people. Have we not need to blush over the fact that when New York State prohibited gambling at horse races our own Ontario furnished at Fort Erie a safe retreat for the gamblers from the other side? Why have we outlawed the lottery, prize-fighting, and most of the immoral practices of the day? Why treat with legal respect a system that, according to Gladstone, has brought more heartache and wretchedness to this world than war, pestilence and famine? If the law cannot do as much as

we wish towards making men moral, in God's name let us stop making men immoral by Act of Parliament. Why by license or tax give a legal status to that which is fruitful only in wretchedness and crime? Why protect by law a traffic which merits the following statement by Sir Oliver Mowat: "An enormous proportion, probably three-fourths of the vice which prevailed at the present day, of the crime which they had to contend with, of the lunacy, the idiocy, the poverty and the misery of every kind, was owing to the foul evil of intemperance. When from one frightful cause such enormous evils resulted, it was no wonder that the humane, the benevolent, and the Christian were excited in their endeavor to provide some remedy."

I like the trumpet tones of Lord Chesterfield's address in the House of Lords in 1743: "Vice is not to be taxed but to be suppressed. Would you lay a tax upon a breach of the Ten Commandments? Would not such a tax be wicked and scandalous? Luxury may very properly be taxed, but the use of those things which are simply hurtful—hurtful in their own nature and in every degree—is to be prohibited. If these liquors are so delicious that people are tempted to their own destruction, let us at length secure them from these fatal draughts by bursting the vials that contain them. Let us check these artists in slaughter, who have reconciled their countrymen to sickness and to ruin, and who spread over the pitfalls of debauchery such baits as cannot be resisted." Bishop Ireland, in 1889, delivered a speech that contained the following burning words: "The Catholic Church is absolutely and irrevocably opposed to drunkenness and to drunkard-making. In vain we profess to work for souls if we do not labor to drive out an evil which is daily begetting sins by the ten thousand and peopling hell. In vain we boast of civilization and liberty if we do not labor to exterminate intemperance. Education, the elevation of the masses, liberty—all that the age admires—is set at naught by the dreadful evil. The individual conscience is the first arm in opposing it, but the individual conscience has to be strengthened and supplemented by law. The claim of the saloon keepers to freedom in their traffic is the claim to spread disease, sin and pauperism." The late Cardinal Manning stated the

case in homely but expressive words : "It is mere mockery to ask us to put down drunkenness by moral and religious means, when the legislature facilitates the multiplication of the incitements to intemperance on every side. You might as well call upon me as a captain of a ship and say, 'Why don't you pump the water out when it is sinking?' when you are scuttling the ship in every direction." Some years ago fourteen thousand clergymen of the Church of England in the Motherland memorialized the House of Lords asking the aid of new legislation, with words that ought to rouse the conscience of Christian Canada : "We are convinced, most of us, from an intimate acquaintance with the people, extending over many years, that their condition can never be greatly improved, whether intellectually, physically, or religiously, so long as intemperance extensively prevails among them, and that intemperance will prevail so long as temptation to it abounds on every side."

Some will say, "Why all this talk about law? Have the Lord's ambassadors failed? Has the Gospel lost its power? Have you parted with the Sword of the Spirit and taken to braining men with a legal club?" I answer, first, that these questions are just as applicable to the laws against lotteries, prize-fighting, gambling, the violation of the Sabbath, the sale of indecent literature, theft, etc., as to the law that prohibits the bar-room. I answer again, that the man has parted with his common sense who gives of his money to erect a church, and pays a man to stand in the pulpit to fight the liquor traffic, and then refuses to speak and work and vote for the repeal of the law that places a "pitfall of debauchery" across the street for the perpetuation of the liquor traffic, for the wrecking of homes, for the blasting of reputations, for the maddening of brains, for the destruction of manhood and the damning of souls—in a word, for the undoing of the very work you have paid God's ambassador to do. What would God have us do with a traffic that destroys men? "If the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death." I answer again in the inspiring words of the

Presbyterian Church of Canada: "It is clear that the general community are more than ever convinced that the liquor traffic must be suppressed, and that throwing the cloak of respectability about the liquor traffic, by the continuance of the license system, cannot be much longer tolerated. Some take refuge in the fact that license means to restrict, yet it is confessed by all that license clothes with respectability a destructive traffic, and sanctions that which should call forth our holiest maledictions. Truly the strength of this sin is the law—a law that makes the noblest good of society a dream, and mocks the noblest efforts of Christian energy. The drunkard is to be plied with moral considerations to-day as vigorously as in the past. The philanthropic argument—abstinence for the sake of others—still retains all its Christ-like beauty . . . for those who are in no personal danger. But the belief has ripened into conviction that the time has come when those who manufacture or sell strong drink must be restrained by the strong arm of the law." I answer lastly, that every Christian citizen will always be true to humanity's highest hopes. He will have a sublime relationship to his God, his country and his home. While his kingdom is not of this world he will devote untiring energy to the lifting up of this world so that it may become the kingdom of our Lord and His Christ. He will be very familiar with and passionately fond of Heaven's statute law. But he will also be interested in the statutes of his country. When he finds laws upon the statute books that endanger the liberties or morals of the people he will not weary in highest endeavor till the law becomes a protection instead of a menace to the homes of the land.

Is prohibition a success? I have not discussed that question. I did not set out to do so. I desired to point out the shame and sin of a licensed liquor traffic. I wanted to show that men who love God and home and country, whatever else they may do, can never legalize a traffic of which the Church of England in her Canterbury Report could say: "The results of intemperance, as portrayed in the evidence before your committee, are of the most appalling description. To this cause may be traced many of the crimes and miseries which disturb the peace of

states, and poison the happiness of families; while it depraves the character, . . . and brings thousands to an early death. It is found to fill our prisons, . . . and,—more than any other cause or complication of causes,—to frustrate the efforts and baffle the hopes of all who have at heart the elevation and welfare of our people. . . . No evil more nearly affects our national life and character; none more injuriously counteracts the spiritual work of the Church; and therefore no question more immediately demands the zeal of our clergy, the attention of our statesmen, the action of our legislature and the thoughtful aid of our philanthropists. Nor can any sacrifice be esteemed too costly, . . . to remedy what may be shown by . . . undeniable evidence to be sapping the foundations of our prosperity, . . . and destroying . . . its moral and religious life. In review of the inquiries of parliament as to the evils caused by this vice, and the conclusive evidence laid before its committees, it is a matter of surprise to us that the legislature has not long since interfered."

We cannot license a traffic of which a committee of the Senate of our Dominion could say: "In short, it is a cancer in the body politic which if not speedily eradicated will mar the bright prospects and blight the patriotic hopes of our noble Dominion." The great McCheyne said: "I never see a sign 'licensed to sell spirits' without thinking it is a license to ruin souls." "Certainly," says Presbyterian Assembly Report, "the Church, God's chosen instrument for regenerating society, can never acquiesce in a legalized wrong. She must protest against this shame of our civilization, even though she speaks to deaf ears. She can afford to brave for centuries, if need be, the fiercest hate of avarice and lust. But never, as God's witness for truth and righteousness, can she lower her standard, tone down her testimony, or make any compromise with a traffic so hurtful to men." Is it not high time to stop licensing a "throne of iniquity," to cease "framing mischief by a law." (Ps. xciv. 20). But "if we cut down the license tree instead of lopping off a branch here and there, we will raise a great amount of opposition; we will stir up the bad passions that are in men!" What

then? Must we fold our arms and give a certain number of bar-rooms swing, in the awful work Lord Chesterfield said a licensed traffic would do: "The propagation of disease, and the suppression of industry and the destruction of mankind." Shall we not rather settle the question right, though at the cost of quiet or the disturbance of peace, when to be quiet and peaceful means to let the bar-room carry on its works of corruption and crime, of sorrow and sin, of wasting and wrecking, of despair and death? If we love the right we can never rest while the law aids the bar-room to corrupt our politics, destroy our homes, and "sow the seeds of immorality broadcast over the land." Man's great Master said: "Think not that I am come to send peace on earth; I came not to send peace but a sword." "First pure, then peaceable."

Ruskin says: "No peace was ever won from fate by subterfuge or agreement; no peace is ever in store for any of us, but that we shall win by victory over shame or sin—victory over the sin that oppresses, as well as over that which corrupts." But there are difficulties in the way. What of them?

"Peopled and warmed is the lowland,
And lonely and cheerless the height,
But the peak that is nearest the storm-cloud,
Is nearest the stars of light."

I like the words of the late Mr. Grady: "The best reforms of this earth come through waste, and storm, and doubt, and suspicion; the sun itself, when it rises on each day wastes the radiance of the moon and blots the star-light from the skies, but only to unlock the earth from the clasp of night, and plant the stars anew in the opening flowers. Behind that sun, as behind the temperance movement, we may be sure there stands the Lord God Almighty, Master and Maker of the universe, from whose hand the spheres are rolled to their orbits, and whose voice has been the harmony of this world since the morning stars sang together."

A NOTE ON PROHIBITION.

Why did Halton repeal the Scott Act? Not because it was a failure. The temperance people were able to show that all the ministers of the Gospel (with perhaps four exceptions), both members of Parliament and a majority of the County Council were against repeal. Three newspapers in the county wrote against and only one for repeal. No one believed there was anything like as much liquor consumed as under license. We were able to say that the Act had greatly reduced crime. Take this fact, that for twelve assizes in succession and twelve sessions of the peace, twenty-four courts in all, not one criminal sentence was pronounced. Where is the county that protects by law this nefarious traffic that can say that at no general court held during six consecutive years has a criminal sentence been pronounced?

Then look at the other side. Eleven or more of the men who circulated the repeal petition had been fined or sentenced to gaol for violation of the law. At least twenty-seven of those signing the petition were similarly dealt with for being law-breakers. The liquor party had been beaten twice at the polls, driven from the platform, and their statements, one after another disproved by the logic of events. And yet the Act was repealed. What was the result of repeal? There had been twelve assizes without a criminal being sentenced, but at the first assizes under license two criminals were sentenced. Again: The convictions for assault, drunks, etc., for fifteen quarters under Temperance Act, were eighty-eight, for similar offences for the quarter ending December, 1888, the first full quarter under license, forty. The figures are worth repeating: Convictions for fifteen quarters under temperance law, eighty-eight, and for one quarter under liquor law, forty. In eighteen counties under license in 1884, Temperance Act (save parts of two counties) in 1887, and license again in 1890, the committals for drunkenness for the respective years were 685, 236 and 512. Then take fifteen counties under license for all the years and the figures are 2,985, 2,999 and 3,020. Mr. F. S. Spence, states in the *Vanguard*,

that in fifteen counties the commitments for drunkenness for the two years before Scott Act were 942, for the two Scott Act years 387, and for the first two license years after repeal 776. The Presbyterian Temperance Report of 1889 says: "And yet the good effects of the Scott Act have been amply attested, and are now seen in a more lurid light by the results of repeal. In three contiguous counties in Ontario forty-four sessions had watched the working of the Scott Act for three years, and now have watched the change to license for one year, and their verdict is distinct and clear as to the superiority of a prohibitory . . . measure." Again. "In these Ontario counties where the Scott Act has been repealed, the change in every case has been for the worse. There is absolutely no exception to this." Prohibition is also successful in England. The Canterbury Report says: "Few, it may be believed, are cognizant of the fact, which has been elicited by the present enquiry, that there are at this time within the Province of Canterbury, upwards of one thousand parishes in which there is neither public-house nor beer-shop; and where, in consequence of the absence of these inducements to crime and pauperism, according to the evidence before the committee, the intelligence, morality and comfort of the people are such as the friends of temperance would have anticipated."

I add the weighty words of Lady Somerset, who, in writing to Lord Hamilton, withdrawing her endorsement of State regulation of vice, said: "It is final proof to me that as long as regulation of any kind can be resorted to as a remedy, it will always be regarded as the one and only panacea."

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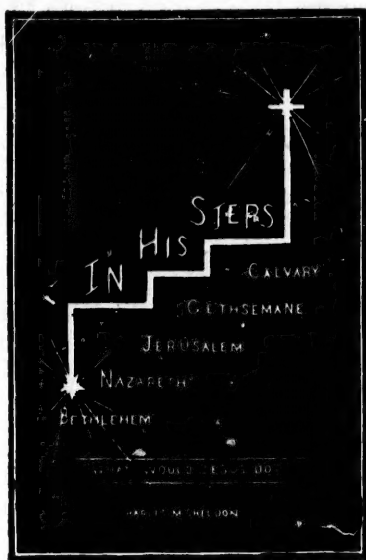
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